

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 10-0961.01 Michael Dohr

HOUSE BILL 10-1374

HOUSE SPONSORSHIP

Ferrandino, Levy, Waller

SENATE SPONSORSHIP

Penry, Morse, Steadman

House Committees

Judiciary
Appropriations

Senate Committees

Judiciary
Appropriations

A BILL FOR AN ACT

101 CONCERNING PAROLE, AND MAKING AN APPROPRIATION IN
102 CONNECTION THEREWITH.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Section 1. The bill directs the sex offender management board to develop a specific sex offender release guideline instrument for the state board of parole (parole board) to use in determining when to release a sex offender on parole.

Section 2. The bill directs the division of criminal justice in the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
Amended 2nd Reading
May 11, 2010

HOUSE
Amended 3rd Reading
April 28, 2010

HOUSE
Amended 2nd Reading
April 27, 2010

department of public safety to develop, in consultation with the parole board, an administrative release guideline instrument for the parole board to use in determining when to release an offender on parole. The bill directs the department of corrections to develop, in consultation with the parole board, administrative revocation guidelines for the parole board to use in determining when to revoke an offender's parole.

Section 3. The bill removes the statutory provision that requires a parole officer to arrest a parolee as a parole violator if the parolee is located in a place without lawful permission to be there.

Section 4. Under current law, certain offenders who are serving sentences for lower-class, nonviolent felonies can earn more earned time per month than other offenders. The bill changes the qualifications that an offender must meet in order to earn additional earned time.

Section 5. The bill repeals and reenacts the parole guideline statute. The parole board will consider a new set of circumstances when considering an offender for parole. The parole board will use both a risk assessment scale and administrative release guidelines that are based on evidence-based practices in addition to their professional judgment in making parole decisions. The parole board will use administrative revocation guidelines and consider a new set of factors when considering a parole revocation.

Section 6. The bill directs the division of criminal justice in the department of public safety to develop the Colorado risk assessment scale and the parole board action form and provide training on the Colorado risk assessment scale and the administrative release guideline instrument.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** 16-11.7-103 (4), Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

4 **16-11.7-103. Sex offender management board - creation -**
5 **duties - repeal.** (4) The board shall carry out the following duties:

6 (1) DEVELOP THE SPECIFIC SEX OFFENDER RELEASE GUIDELINE
7 INSTRUMENT AS DESCRIBED BY SECTION 17-22.5-404 (4) (c) (II), C.R.S.

8 **SECTION 2.** 16-11.7-103 (4), Colorado Revised Statutes, is
9 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

10 **16-11.7-103. Sex offender management board - creation -**
11 **duties - repeal.** (4) The board shall carry out the following duties:

1 (1) THE BOARD SHALL DEVELOP THE SPECIFIC SEX OFFENDER
2 RELEASE GUIDELINE INSTRUMENT AS DESCRIBED BY SECTION 17-22.5-404
3 (4) (c) (II), C.R.S.

4 **SECTION 3.** Part 1 of article 22.5 of title 17, Colorado Revised
5 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
6 read:

7 **17-22.5-107. Administrative release and revocation guidelines**

8 - **creation.** (1) (a) THE DIVISION OF CRIMINAL JUSTICE IN THE
9 DEPARTMENT OF PUBLIC SAFETY, IN CONSULTATION WITH THE STATE
10 BOARD OF PAROLE, SHALL DEVELOP AN ADMINISTRATIVE RELEASE
11 GUIDELINE INSTRUMENT FOR USE BY THE BOARD IN EVALUATING
12 APPLICATIONS FOR PAROLE.

13 (b) THE ADMINISTRATIVE RELEASE GUIDELINE INSTRUMENT SHALL
14 BE USED TO PROVIDE THE STATE BOARD OF PAROLE WITH CONSISTENT AND
15 COMPREHENSIVE INFORMATION RELEVANT TO THE FACTORS LISTED IN
16 SECTION 17-22.5-404 (4) (a). THE INSTRUMENT SHALL INCLUDE A MATRIX
17 OF ADVISORY-RELEASE-DECISION RECOMMENDATIONS FOR THE DIFFERENT
18 RISK LEVELS.

19 (2) (a) THE DEPARTMENT OF CORRECTIONS, IN CONSULTATION
20 WITH THE STATE BOARD OF PAROLE, SHALL DEVELOP ADMINISTRATIVE
21 REVOCATION GUIDELINES FOR USE BY THE BOARD IN EVALUATING
22 COMPLAINTS FILED FOR PAROLE REVOCATION.

23 (b) THE ADMINISTRATIVE REVOCATION GUIDELINES SHALL BE USED
24 TO PROVIDE THE STATE BOARD OF PAROLE WITH CONSISTENT AND
25 COMPREHENSIVE INFORMATION BASED ON THE FACTORS IDENTIFIED IN
26 SECTION 17-22.5-404 (5) (a). THE GUIDELINES SHALL INCLUDE A MATRIX
27 OF ADVISORY-DECISION RECOMMENDATIONS FOR THE DIFFERENT RISK

1 LEVELS.

2 **SECTION 4. Repeal.** 17-2-207 (3), Colorado Revised Statutes,
3 is repealed as follows:

4 **17-2-207. Parole - regulations.** (3) Offenders on parole shall
5 remain under legal custody and shall be subject at any time to be returned
6 to a correctional facility. ~~If any paroled offender leaves the state without~~
7 ~~lawful permission, he shall be held as a parole violator and arrested as~~
8 ~~such. If any parolee not paroled to reside in a county in which a~~
9 ~~correctional facility is located is found within the boundaries of such~~
10 ~~county without lawful permission, or if any parolee who is paroled to~~
11 ~~reside in such county or is in such county without lawful permission is~~
12 ~~found within the boundaries of state property without lawful permission,~~
13 ~~he shall be arrested as a parole violator.~~

14 **SECTION 5.** 17-22.5-405 (1.5) (a) and (6), Colorado Revised
15 Statutes, are amended to read:

16 **17-22.5-405. Earned time - earned release time.**

17 (1.5) (a) Earned time, not to exceed twelve days for each month of
18 incarceration or parole, may be deducted from an inmate's sentence if the
19 inmate:

20 (I) Is serving a sentence for a class 4, class 5, or class 6 felony;

21 (II) Has NOT incurred ~~no~~ A CLASS I code of penal discipline
22 ~~violations while incarcerated~~ VIOLATION WITHIN THE TWENTY-FOUR
23 MONTHS IMMEDIATELY PRECEDING THE TIME OF CREDITING OR DURING HIS
24 OR HER ENTIRE TERM OF INCARCERATION IF THE TERM IS LESS THAN
25 TWENTY-FOUR MONTHS OR A CLASS II CODE OF PENAL DISCIPLINE
26 VIOLATION WITHIN THE TWELVE MONTHS IMMEDIATELY PRECEDING THE
27 TIME OF CREDITING OR DURING HIS OR HER ENTIRE TERM OF

1 INCARCERATION IF THE TERM IS LESS THAN TWELVE MONTHS;

2 (III) ~~Has been~~ IS program-compliant; and

3 (IV) Was not convicted of, and has not previously been convicted
4 of, a FELONY crime DESCRIBED in SECTION 18-3-303, 18-3-305, 18-3-306,
5 OR 18-6-701, sections 18-7-402 to 18-7-407, ~~C.R.S.~~, OR section
6 18-12-102 ~~C.R.S.~~, or ~~section~~ 18-12-109, C.R.S., or a FELONY crime listed
7 in section 24-4.1-302 (1), C.R.S.

8 (6) Earned release time shall be scheduled by the ~~parole board~~
9 STATE BOARD OF PAROLE and the time computation unit in the department
10 of corrections for inmates convicted of class 4 and class 5 felonies up to
11 sixty days prior to the mandatory release date and for inmates convicted
12 of class 6 felonies up to thirty days prior to the mandatory release date for
13 inmates who meet the following criteria:

14 (a) The inmate has ~~no~~ NOT INCURRED A CLASS I code of penal
15 discipline ~~violations~~ VIOLATION WITHIN THE TWENTY-FOUR MONTHS
16 IMMEDIATELY PRECEDING THE TIME OF CREDITING OR DURING HIS OR HER
17 ENTIRE TERM OF INCARCERATION IF THE TERM IS LESS THAN TWENTY-FOUR
18 MONTHS OR A CLASS II CODE OF PENAL DISCIPLINE VIOLATION WITHIN THE
19 TWELVE MONTHS IMMEDIATELY PRECEDING THE TIME OF CREDITING OR
20 DURING HIS OR HER ENTIRE TERM OF INCARCERATION IF THE TERM IS LESS
21 THAN TWELVE MONTHS;

22 (b) The inmate is program-compliant; and

23 (c) The inmate was not convicted of, and has not previously been
24 convicted of, a FELONY crime DESCRIBED in SECTION 18-3-303, 18-3-305,
25 18-3-306, OR 18-6-701, sections 18-7-402 to 18-7-407, ~~C.R.S.~~, OR section
26 18-12-102 ~~C.R.S.~~, or ~~section~~ 18-12-109, C.R.S., or a FELONY crime listed
27 in section 24-4.1-302 (1), C.R.S.

1 **SECTION 6.** 17-22.5-404, Colorado Revised Statutes, is
2 REPEALED AND REENACTED, WITH AMENDMENTS, to read:

3 **17-22.5-404. Parole guidelines - repeal.** (1) THE GENERAL
4 ASSEMBLY HEREBY FINDS THAT:

5 (a) THE RISK OF REOFFENSE SHALL BE THE CENTRAL
6 CONSIDERATION BY THE STATE BOARD OF PAROLE IN MAKING DECISIONS
7 RELATED TO THE TIMING AND CONDITIONS OF RELEASE ON PAROLE OR
8 REVOCATION OF PAROLE;

9 (b) RESEARCH DEMONSTRATES THAT ACTUARIAL RISK
10 ASSESSMENT TOOLS CAN PREDICT THE LIKELIHOOD OR RISK OF REOFFENSE
11 WITH SIGNIFICANTLY GREATER ACCURACY THAN PROFESSIONAL JUDGMENT
12 ALONE. EVIDENCE-BASED CORRECTIONAL PRACTICES PRIORITIZE THE USE
13 OF ACTUARIAL RISK ASSESSMENT TOOLS TO PROMOTE PUBLIC SAFETY. THE
14 BEST OUTCOMES ARE DERIVED FROM A COMBINATION OF EMPIRICALLY
15 BASED ACTUARIAL TOOLS AND CLINICAL JUDGMENT.

16 (c) ALTHOUGH THE STATE BOARD OF PAROLE IS MADE UP OF
17 INDIVIDUALS, USING STRUCTURED DECISION-MAKING UNITES THE PAROLE
18 BOARD MEMBERS WITH A COMMON PHILOSOPHY AND SET OF GOALS AND
19 PURPOSES WHILE RETAINING THE AUTHORITY OF INDIVIDUAL PAROLE
20 BOARD MEMBERS TO MAKE DECISIONS THAT ARE APPROPRIATE FOR
21 PARTICULAR SITUATIONS. EVIDENCE-BASED CORRECTIONAL PRACTICES
22 SUPPORT THE USE OF STRUCTURED DECISION-MAKING.

23 (d) STRUCTURED DECISION-MAKING BY THE STATE BOARD OF
24 PAROLE PROVIDES FOR GREATER ACCOUNTABILITY, STANDARDS FOR
25 EVALUATING OUTCOMES, AND TRANSPARENCY OF DECISION-MAKING THAT
26 CAN BE BETTER COMMUNICATED TO VICTIMS, OFFENDERS, OTHER
27 CRIMINAL JUSTICE PROFESSIONALS, AND THE COMMUNITY; AND

1 (e) AN OFFENDER'S LIKELIHOOD OF SUCCESS MAY BE INCREASED
2 BY ALIGNING THE INTENSITY AND TYPE OF PAROLE SUPERVISION,
3 CONDITIONS OF RELEASE, AND SERVICES WITH ASSESSED RISK AND NEED
4 LEVEL.

5 (2) (a) THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF
6 PUBLIC SAFETY SHALL DEVELOP THE COLORADO RISK ASSESSMENT SCALE
7 TO BE USED BY THE STATE BOARD OF PAROLE IN CONSIDERING INMATES
8 FOR RELEASE ON PAROLE. THE RISK ASSESSMENT SCALE SHALL INCLUDE
9 CRITERIA THAT STATISTICALLY HAVE BEEN SHOWN TO BE GOOD
10 PREDICTORS OF THE RISK OF REOFFENSE. THE DIVISION OF CRIMINAL
11 JUSTICE SHALL VALIDATE THE COLORADO RISK ASSESSMENT SCALE AT
12 LEAST EVERY FIVE YEARS OR MORE OFTEN IF THE PREDICTIVE ACCURACY,
13 AS DETERMINED BY DATA COLLECTION AND ANALYSIS, FALLS BELOW AN
14 ACCEPTABLE LEVEL OF PREDICTIVE ACCURACY AS DETERMINED BY THE
15 DIVISION OF CRIMINAL JUSTICE, THE STATE BOARD OF PAROLE, AND THE
16 DIVISION OF ADULT PAROLE IN THE DEPARTMENT OF CORRECTIONS.

17 (b) THE DIVISION OF CRIMINAL JUSTICE, THE DEPARTMENT OF
18 CORRECTIONS, AND THE STATE BOARD OF PAROLE SHALL COOPERATE TO
19 DEVELOP PAROLE BOARD ACTION FORMS CONSISTENT WITH THIS SECTION
20 THAT CAPTURE THE RATIONALE FOR DECISION-MAKING THAT SHALL BE
21 PUBLISHED AS OFFICIAL FORMS OF THE DEPARTMENT OF CORRECTIONS.
22 VICTIM IDENTITY AND INPUT SHALL BE PROTECTED FROM DISPLAY ON THE
23 PAROLE BOARD ACTION FORM OR ANY PAROLE HEARING REPORT THAT MAY
24 BECOME A PART OF AN INMATE RECORD.

25 (c) THE DIVISION OF CRIMINAL JUSTICE, IN COOPERATION WITH THE
26 DEPARTMENT OF CORRECTIONS AND THE STATE BOARD OF PAROLE, SHALL
27 PROVIDE TRAINING ON THE USE OF THE ADMINISTRATIVE RELEASE

1 GUIDELINE INSTRUMENT DEVELOPED PURSUANT TO SECTION 17-22.5-107
2 (1) AND THE COLORADO RISK ASSESSMENT SCALE TO PERSONNEL OF THE
3 DEPARTMENT OF CORRECTIONS, THE STATE BOARD OF PAROLE,
4 ADMINISTRATIVE HEARING OFFICERS, AND RELEASE HEARING OFFICERS.
5 THE DIVISION SHALL CONDUCT THE TRAINING ON A SEMIANNUAL BASIS.

6 (d) THE DEPARTMENT OF CORRECTIONS, IN COOPERATION WITH
7 THE STATE BOARD OF PAROLE, SHALL PROVIDE TRAINING ON THE USE OF
8 THE ADMINISTRATIVE REVOCATION GUIDELINES DEVELOPED PURSUANT TO
9 SECTION 17-22.5-107 (2) TO PERSONNEL OF THE DEPARTMENT OF
10 CORRECTIONS, THE STATE BOARD OF PAROLE, AND ADMINISTRATIVE
11 HEARING OFFICERS. THE DEPARTMENT SHALL CONDUCT THE TRAINING
12 SEMIANNUALLY.

13 (3) FOR A PERSON SENTENCED FOR A CLASS 2, CLASS 3, CLASS 4,
14 CLASS 5, OR CLASS 6 FELONY WHO IS ELIGIBLE FOR PAROLE PURSUANT TO
15 SECTION 17-22.5-403, OR A PERSON WHO IS ELIGIBLE FOR PAROLE
16 PURSUANT TO SECTION 17-22.5-403.7, THE STATE BOARD OF PAROLE MAY
17 CONSIDER ALL APPLICATIONS FOR PAROLE, AS WELL AS ALL PERSONS TO BE
18 SUPERVISED UNDER ANY INTERSTATE COMPACT. THE STATE BOARD OF
19 PAROLE MAY PAROLE ANY PERSON WHO IS SENTENCED OR COMMITTED TO
20 A CORRECTIONAL FACILITY WHEN THE BOARD DETERMINES, BY USING,
21 WHERE AVAILABLE, EVIDENCE-BASED PRACTICES AND THE GUIDELINES
22 ESTABLISHED BY THIS SECTION, THAT THERE IS A REASONABLE
23 PROBABILITY THAT THE PERSON WILL NOT VIOLATE THE LAW WHILE ON
24 PAROLE AND THAT THE PERSON'S RELEASE FROM INSTITUTIONAL CUSTODY
25 IS COMPATIBLE WITH PUBLIC SAFETY AND THE WELFARE OF SOCIETY. THE
26 STATE BOARD OF PAROLE SHALL FIRST CONSIDER THE RISK OF REOFFENSE
27 IN EVERY RELEASE DECISION IT MAKES.

1 (4) (a) IN CONSIDERING OFFENDERS FOR PAROLE, THE STATE
2 BOARD OF PAROLE SHALL CONSIDER THE TOTALITY OF THE
3 CIRCUMSTANCES, WHICH INCLUDE, BUT NEED NOT BE LIMITED TO, THE
4 FOLLOWING FACTORS:

5 (I) THE TESTIMONY OR WRITTEN STATEMENT FROM THE VICTIM OF
6 THE CRIME, OR A RELATIVE OF THE VICTIM, OR A DESIGNEE, PURSUANT TO
7 SECTION 17-2-214;

8 (II) THE ACTUARIAL RISK OF REOFFENSE;

9 (III) THE OFFENDER'S ASSESSED CRIMINOGENIC NEED LEVEL;

10 (IV) THE OFFENDER'S PROGRAM OR TREATMENT PARTICIPATION
11 AND PROGRESS;

12 (V) THE OFFENDER'S INSTITUTIONAL CONDUCT;

13 (VI) THE ADEQUACY OF THE OFFENDER'S PAROLE PLAN;

14 (VII) WHETHER THE OFFENDER WHILE UNDER SENTENCE HAS
15 THREATENED OR HARASSED THE VICTIM OR THE VICTIM'S FAMILY OR HAS
16 CAUSED THE VICTIM OR THE VICTIM'S FAMILY TO BE THREATENED OR
17 HARASSED, EITHER VERBALLY OR IN WRITING;

18 (VIII) AGGRAVATING OR MITIGATING FACTORS FROM THE
19 CRIMINAL CASE;

20 (IX) THE TESTIMONY OR WRITTEN STATEMENT FROM A
21 PROSPECTIVE PAROLE SPONSOR, EMPLOYER, OR OTHER PERSON WHO
22 WOULD BE AVAILABLE TO ASSIST THE OFFENDER IF RELEASED ON PAROLE;

23

24 (X) WHETHER THE OFFENDER HAD PREVIOUSLY ABSCONDED OR
25 ESCAPED OR ATTEMPTED TO ABSCOND OR ESCAPE WHILE ON COMMUNITY
26 SUPERVISION; AND

27 (XI) WHETHER THE OFFENDER COMPLETED OR WORKED TOWARDS

1 COMPLETING A HIGH SCHOOL DIPLOMA, A GENERAL EQUIVALENCY DEGREE,
2 OR A COLLEGE DEGREE DURING HIS OR HER PERIOD OF INCARCERATION.

3 (b) THE STATE BOARD OF PAROLE SHALL USE THE COLORADO RISK
4 ASSESSMENT SCALE THAT IS DEVELOPED BY THE DIVISION OF CRIMINAL
5 JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY PURSUANT TO PARAGRAPH
6 (a) OF SUBSECTION (2) OF THIS SECTION IN CONSIDERING INMATES FOR
7 RELEASE ON PAROLE.

8 (c) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
9 PARAGRAPH (c), THE STATE BOARD OF PAROLE SHALL ALSO USE THE
10 ADMINISTRATIVE RELEASE GUIDELINE INSTRUMENT DEVELOPED PURSUANT
11 TO SECTION 17-22.5-107 (1) IN EVALUATING AN APPLICATION FOR PAROLE.

12 (II) THE ADMINISTRATIVE RELEASE GUIDELINE INSTRUMENT SHALL
13 NOT BE USED IN CONSIDERING THOSE INMATES CLASSIFIED AS SEX
14 OFFENDERS WITH INDETERMINATE SENTENCES FOR WHOM THE SEX
15 OFFENDER MANAGEMENT BOARD PURSUANT TO SECTION 18-1.3-1009,
16 C.R.S., HAS ESTABLISHED SEPARATE AND DISTINCT RELEASE GUIDELINES.
17 THE SEX OFFENDER MANAGEMENT BOARD IN COLLABORATION WITH THE
18 DEPARTMENT OF CORRECTIONS, THE JUDICIAL DEPARTMENT, THE DIVISION
19 OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY, AND THE
20 STATE BOARD OF PAROLE SHALL DEVELOP A SPECIFIC SEX OFFENDER
21 RELEASE GUIDELINE INSTRUMENT FOR USE BY THE STATE BOARD OF
22 PAROLE FOR THOSE INMATES CLASSIFIED AS SEX OFFENDERS WITH
23 DETERMINATE SENTENCES.

24 (5) (a) IN CONDUCTING A PAROLE REVOCATION HEARING, THE
25 STATE BOARD OF PAROLE AND THE ADMINISTRATIVE HEARING OFFICER
26 SHALL CONSIDER, WHERE AVAILABLE, EVIDENCE-BASED PRACTICES AND
27 SHALL CONSIDER, BUT NEED NOT BE LIMITED TO, THE FOLLOWING

1 FACTORS:

2 (I) A DETERMINATION BY THE STATE BOARD OF PAROLE THAT A
3 PAROLEE COMMITTED A NEW CRIME WHILE ON PAROLE, IF APPLICABLE;

4 (II) THE PAROLEE'S ACTUARIAL RISK OF REOFFENSE;

5 (III) THE SERIOUSNESS OF THE TECHNICAL VIOLATION, IF
6 APPLICABLE;

7 (IV) THE PAROLEE'S FREQUENCY OF TECHNICAL VIOLATIONS, IF
8 APPLICABLE;

9 (V) THE PAROLEE'S EFFORTS TO COMPLY WITH A PREVIOUS
10 CORRECTIVE ACTION PLAN OR OTHER REMEDIATION PLAN REQUIRED BY
11 THE STATE BOARD OF PAROLE OR PAROLE OFFICER;

12 (VI) THE IMPOSITION OF INTERMEDIATE SANCTIONS BY THE
13 PAROLE OFFICER IN RESPONSE TO THE TECHNICAL VIOLATIONS THAT MAY
14 FORM THE BASIS OF THE COMPLAINT FOR REVOCATION; AND

15 (VII) WHETHER MODIFICATION OF PAROLE CONDITIONS IS
16 APPROPRIATE AND CONSISTENT WITH PUBLIC SAFETY IN LIEU OF
17 REVOCATION.

18 (b) THE STATE BOARD OF PAROLE SHALL USE THE ADMINISTRATIVE
19 REVOCATION GUIDELINES DEVELOPED PURSUANT TO SECTION 17-22.5-107
20 (2), IN EVALUATING COMPLAINTS FILED FOR PAROLE REVOCATION.

21 (c) THE STATE BOARD OF PAROLE OR THE ADMINISTRATIVE
22 HEARING OFFICER SHALL NOT REVOKE PAROLE FOR A TECHNICAL
23 VIOLATION UNLESS THE BOARD OR ADMINISTRATIVE HEARING OFFICER
24 DETERMINES ON THE RECORD THAT APPROPRIATE INTERMEDIATE
25 SANCTIONS HAVE BEEN UTILIZED AND HAVE BEEN INEFFECTIVE OR THAT
26 THE MODIFICATION OF CONDITIONS OF PAROLE OR THE IMPOSITION OF
27 INTERMEDIATE SANCTIONS IS NOT APPROPRIATE OR CONSISTENT WITH

1 PUBLIC SAFETY AND THE WELFARE OF SOCIETY.

2 (6) (a) THE STATE BOARD OF PAROLE SHALL WORK IN
3 CONSULTATION WITH THE DIVISION OF CRIMINAL JUSTICE IN THE
4 DEPARTMENT OF PUBLIC SAFETY AND THE DEPARTMENT OF CORRECTIONS
5 TO DEVELOP AND IMPLEMENT A PROCESS TO COLLECT AND ANALYZE DATA
6 RELATED TO THE BASIS FOR AND THE OUTCOMES OF THE BOARD'S PAROLE
7 DECISIONS. THE PROCESS SHALL COLLECT DATA RELATED TO THE BOARD'S
8 RATIONALE FOR GRANTING, REVOKING, OR DENYING PAROLE. ANY
9 INFORMATION RELATING TO VICTIM IDENTIFICATION OR VICTIM INPUT
10 THAT IS IDENTIFIABLE TO AN INDIVIDUAL DEFENDANT OR CASE SHALL BE
11 MAINTAINED, BUT KEPT CONFIDENTIAL AND RELEASED ONLY TO OTHER
12 GOVERNMENT AGENCIES, PURSUANT TO A NONDISCLOSURE AGREEMENT,
13 FOR THE PURPOSE OF ANALYSIS AND REPORTING, PURSUANT TO
14 PARAGRAPH (c) OF THIS SUBSECTION (6). WHEN THE BOARD GRANTS
15 PAROLE, THE PROCESS SHALL ALSO COLLECT DATA RELATED TO WHETHER
16 THE OFFENDER HAS PREVIOUSLY RECIDIVATED, THE TYPE OF REENTRY
17 PROGRAM GIVEN TO THE OFFENDER AS A PART OF THE OFFENDER'S PAROLE
18 PLAN, AND WHETHER THE OFFENDER RECIDIVATES WHILE ON PAROLE.

19 (b) THE STATE BOARD OF PAROLE SHALL ALSO DETERMINE
20 WHETHER A DECISION GRANTING, REVOKING, OR DENYING PAROLE
21 CONFORMED WITH OR DEPARTED FROM THE ADMINISTRATIVE GUIDELINES
22 CREATED PURSUANT TO SECTION 17-22.5-107 AND, IF THE DECISION WAS
23 A DEPARTURE FROM THE GUIDELINES, THE REASON FOR THE DEPARTURE.
24 THE DATA COLLECTED PURSUANT TO THIS PARAGRAPH (b) ARE SUBJECT
25 TO THE SAME VICTIM PROTECTIONS DESCRIBED IN PARAGRAPH (a) OF THIS
26 SUBSECTION (6).

27 (c) THE STATE BOARD OF PAROLE SHALL PROVIDE THE DATA

1 COLLECTED PURSUANT TO THIS SUBSECTION (6) TO THE DIVISION OF
2 CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY FOR ANALYSIS.
3 THE DIVISION OF CRIMINAL JUSTICE SHALL ANALYZE THE DATA RECEIVED
4 PURSUANT TO THIS PARAGRAPH (c) AND SHALL PROVIDE ITS ANALYSIS TO
5 THE BOARD. THE BOARD AND THE DIVISION OF CRIMINAL JUSTICE SHALL
6 USE THE DATA AND ANALYSIS TO IDENTIFY SPECIFIC FACTORS THAT ARE
7 IMPORTANT IN THE DECISION-MAKING PROCESS.

8 (d) THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF
9 PUBLIC SAFETY SHALL PROVIDE THE STATE BOARD OF PAROLE WITH
10 TRAINING REGARDING HOW TO USE THE DATA OBTAINED AND ANALYZED
11 PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (6) TO FACILITATE THE
12 BOARD'S FUTURE DECISION-MAKING.

13 (e) (I) ON OR BEFORE NOVEMBER 1, 2009, THE STATE BOARD OF
14 PAROLE AND THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF
15 PUBLIC SAFETY SHALL ISSUE A REPORT TO THE GENERAL ASSEMBLY
16 REGARDING THE PROGRESS IN IMPLEMENTING THIS SUBSECTION (6), AND
17 NOVEMBER 1 EACH YEAR THEREAFTER, THE STATE BOARD OF PAROLE AND
18 THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY
19 SHALL UPDATE THE REPORT. THE DATA SHALL BE REPORTED TO THE
20 GENERAL ASSEMBLY ONLY IN THE AGGREGATE.

21 (II) THIS PARAGRAPH (e) IS REPEALED, EFFECTIVE JULY 1, 2012.

22 (7) THE DEPARTMENT OF CORRECTIONS, THE STATE BOARD OF
23 PAROLE, THE DIVISION OF ADULT PAROLE, AND THE DIVISION OF CRIMINAL
24 JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY SHALL COOPERATE IN
25 IMPLEMENTING ALL ASPECTS OF THIS SECTION.

26 (8) THIS SECTION SHALL APPLY TO ANY PERSON TO WHOM SECTION
27 17-22.5-303.5, AS IT EXISTED PRIOR TO MAY 18, 1991, WOULD APPLY

1 PURSUANT TO THE OPERATION OF SECTION 17-22.5-406, BECAUSE THE
2 PROVISIONS OF SUCH SECTIONS ARE SUBSTANTIALLY SIMILAR.

3 (9) FOR PURPOSES OF THIS SECTION, "TECHNICAL VIOLATION"
4 MEANS A VIOLATION OF A CONDITION OF PAROLE THAT IS NOT A
5 CONVICTION FOR A NEW CRIMINAL OFFENSE OR NOT DETERMINED BY THE
6 STATE BOARD OF PAROLE TO BE A COMMISSION OF A NEW CRIMINAL
7 OFFENSE.

8 **SECTION 7.** 24-33.5-503 (1), Colorado Revised Statutes, is
9 amended BY THE ADDITION OF THE FOLLOWING NEW
10 PARAGRAPHS to read:

11 **24-33.5-503. Duties of division.** (1) The division has the
12 following duties:

13 (u) TO DEVELOP THE ADMINISTRATIVE RELEASE GUIDELINE
14 INSTRUMENT FOR USE BY THE STATE BOARD OF PAROLE AS DESCRIBED IN
15 SECTION 17-22.5-107 (1), C.R.S.;

16 (v) TO DEVELOP THE COLORADO RISK ASSESSMENT SCALE AS
17 DESCRIBED IN SECTION 17-22.5-404 (2) (a), C.R.S.;

18 (w) TO DEVELOP, IN COOPERATION WITH THE DEPARTMENT OF
19 CORRECTIONS AND THE STATE BOARD OF PAROLE, A PAROLE BOARD
20 ACTION FORM; AND

21 (x) TO PROVIDE TRAINING ON THE COLORADO RISK ASSESSMENT
22 SCALE AND THE ADMINISTRATIVE RELEASE GUIDELINE INSTRUMENT AS
23 REQUIRED BY SECTION 17-22.5-404 (2) (c), C.R.S.

24 **SECTION 8.** 22-33-107.5 (1) (b), Colorado Revised Statutes, is
25 amended to read:

26 **22-33-107.5. Notice of failure to attend.** (1) Except as
27 otherwise provided in subsection (2) of this section, a school district shall

1 notify the appropriate court or parole board if a student fails to attend all
2 or any portion of a school day, where the school district has received
3 notice from the court or parole board:

4 (b) Pursuant to section 17-22.5-404, ~~(4.5)~~, 18-1.3-204 (2.3),
5 19-2-907 (4), 19-2-925 (5), or 19-2-1002 (1) or (3), C.R.S., that the
6 student is required to attend school as a condition of or in connection with
7 any sentence imposed by the court, including a condition of probation or
8 parole; or

9 **SECTION 9.** 17-2-201, Colorado Revised Statutes, is amended
10 **BY THE ADDITION OF A NEW SUBSECTION to read:**

11 **17-2-201. State board of parole. (3.5) THE CHAIRPERSON SHALL**
12 **ANNUALLY MAKE A PRESENTATION TO JUDICIARY COMMITTEES OF THE**
13 **HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR**
14 **COMMITTEES, REGARDING THE OPERATIONS OF THE BOARD.**

15 **SECTION 10. Appropriation - adjustments to the 2010 long**
16 **bill.** (1) In addition to any other appropriation, there is hereby
17 appropriated, out of any moneys in the general fund not otherwise
18 appropriated, to the department of corrections, for allocation to the
19 executive director's office and parole subprograms, for research and
20 parole services, for the fiscal year beginning July 1, 2010, the sum of
21 three hundred fifty-three thousand seven hundred eighty-six dollars
22 (\$353,786) and 7.9 FTE, or so much thereof as may be necessary, for the
23 implementation of this act.

24 (2) In addition to any other appropriation, there is hereby
25 appropriated, out of any moneys in the general fund not otherwise
26 appropriated, to the department of public safety, for allocation to the
27 division of criminal justice, for parole guideline duties and actuarial

1 consultation, for the fiscal year beginning July 1, 2010, the sum of eighty
2 thousand one hundred fifty-four dollars (\$80,154) and 0.7 FTE, or so
3 much thereof as may be necessary, for the implementation of this act.

4 (3) In addition to any other appropriation, there is hereby
5 appropriated, out of any moneys in the general fund not otherwise
6 appropriated, to the department of public safety, for allocation to the
7 division of criminal justice, for costs associated with the Colorado
8 criminal and juvenile justice commission, for the fiscal year beginning
9 July 1, 2010, the sum of one hundred fourteen thousand one hundred
10 twenty-seven dollars (\$114,127).

11 (4) For the implementation of this act, the general fund
12 appropriation made in the annual general appropriation act for the fiscal
13 year beginning July 1, 2010, to the department of corrections,
14 management, external capacity subprogram, for payments to house state
15 prisoners, is decreased by five hundred forty-eight thousand sixty-seven
16 dollars (\$548,067).

17 **SECTION 11. Specified effective date.** (1) Sections 3 through
18 12 of this act shall take effect upon passage.

19 (2) Section 1 of this act shall take effect only if House Bill
20 10-1364 is not enacted and shall effect upon passage of this act.

21 (3) Section 2 of this act shall take effect only if House 10-1364 is
22 enacted and becomes law and shall have the same effective date as House
23 Bill 10-1364.

24 **SECTION 12. Safety clause.** The general assembly hereby finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, and safety.